

NORMAN CRITTENDON §
VS. § CIVIL ACTION NO. 9:18-CV-12
DIRECTOR, TDCJ-CID §

Plaintiff argues he filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Although petitioner used a § 2254 form, the claims and relief he seeks are proper under a civil rights claim filed pursuant 42 U.S.C. § 1983. Plaintiff alleges he was denied equal protection under the law as his classification prohibits him from being considered for parole. Absent extraordinary circumstances, a prisoner does not have a constitutionally protected liberty interest in his

classification or in remaining free from administrative segregation. *See Sandin v. Conner*, 515 U.S. 472, 485 (1995); *see also Martinez v. Johnson*, 103 F. App'x 531 (5th Cir. 2004) (similar claim dismissed under § 1983 for failure to state a claim and as frivolous). To the extent plaintiff also complains he was denied parole based on his classification, Texas prisoners have no protected liberty interest in parole. *Allison v. Kyle*, 66 F.3d 71 (5th Cir. 1995). It would appear plaintiff is attempting to circumvent the § 1915(g) bar.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

So Ordered and Signed

Nov 14, 2018



Ron Clark, Senior District Judge